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ORDERED SEALED BY COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2007 DEC 18 PM 4:53

UNITED STATES OF AMERICA, Plaintiff, v. **Isaac RAMIREZ-Marquez,** Defendant(s)	Magistrate Case No. '07 MJ 2931 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **December 12, 2007,** within the Southern District of California, defendant **Isaac RAMIREZ-Marquez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Fernando HERNANDEZ-Vazquez, and Jose Francisco SANCHEZ-Rubi,** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Andrew Kahl SPA
SIGNATURE OF COMPLAINANT
Andrew N. Kahl
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF **DECEMBER, 2007.**

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Fernando HERNANDEZ-Vazquez, and Jose Francisco SANCHEZ-Rubi** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 12, 2007, at approximately 9:00 am, Senior Patrol Agent A. Kahl was performing surveillance of a suspected alien smuggling load house in National City, California, as part of the San Diego Sector Border Patrol Smuggling Interdiction Group (SIG). Agent Kahl was in plain clothes and operating in an unmarked Department of Homeland Security (DHS) vehicle. Also assisting in the surveillance duties were Supervisory Border Patrol Agent (SBPA) J. Wallace, Senior Patrol Agents H. Simpson, S. Smith, H. Martinez, and B. Soto.

At approximately 9:11 am, Agent Kahl observed a black Ford Explorer Sport with tan trim arrive at the residence via a wooden slat gate on the fence. There was a single visible occupant driving the black Explorer, who was an adult Hispanic male, wearing a black or dark blue baseball cap with a red "B", and a black or dark blue polar fleece type zip-up sweater. The black Explorer did not appear to be heavily laden or riding low upon arriving to the residence. After entering into the compound, the gate in the fence was closed, blocking the view of the black Explorer from the street.

At approximately 12:10 pm, the wooden slat gate of the residence was opened and the black Explorer pulled out. As the vehicle passed Agent Smith's location, Agent Smith observed two visible occupants in the Explorer; a male subject in the driver's seat, and a female subject in the passenger seat. Agent Smith also observed that the Explorer appeared heavily laden, and that the rear of the vehicle appeared to be riding lower then the front of the vehicle.

Various SIG agents in unmarked vehicles continued to follow the black Explorer, eventually entering onto northbound I-5, and then onto northbound I-15. The Explorer continued northbound on I-15 toward the Lake Elsinore area of Riverside County.

At approximately 12:45 pm, Senior Patrol Agent S. Pinckney of the Murrieta Border Patrol Station was performing patrol duties in a marked Border Patrol sedan with fully functional emergency lights and a siren. Agent Pinckney was positioned on I-15 north of the area where the black Explorer was heading. At this time, SIG agents requested that Agent Pinckney perform a vehicle stop on the suspected smuggling load vehicle, the black Ford Explorer, which was now northbound on I-15, north of the Temecula Border Patrol Checkpoint.

After locating the black Ford Explorer, Agent Pinckney approached and closed the distance between his sedan and the Ford Explorer. Agent Pinckney observed that the driver was looking behind in his side view mirror repeatedly as if concerned by the presence of the marked Border Patrol vehicle. Agent Pinckney observed two occupants in the vehicle and also noticed that the vehicle seemed more heavily laden than would normally be indicated by the number of visible occupants. Agent Pinckney observed that the driver seemed to have trouble staying within his designated lane of travel and that the vehicle was moving from side to side within the number two lane. Agent Pinckney activated his emergency lights and siren and performed a vehicle stop on the black Ford Explorer.

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CONTINUATION OF COMPLAINT:
Isaac RAMIREZ-Marquez

Agent Pinckney approached the vehicle and observed a male subject, later identified as the defendant Isaac RAMIREZ-Marquez, seated in the driver's seat of the vehicle and a female subject seated in the passenger's side seat. Agent Pinckney also observed two female subjects sitting on the rear passenger seat slumped down in a manner so as to not to be seen from the outside. Agent Pinckney also observed one male subject lying down on the floorboard in the passenger compartment of the vehicle between the first and second row of the seats. Agent Pinckney observed additional subjects lying down on the floorboard in the cargo area of the Explorer.

Agent Pinckney identified himself as a Border Patrol Agent and questioned all of the subjects in the vehicle as to their immigration status. All the occupants in the black Ford Explorer stated that they were undocumented Mexican nationals and that they were illegally present in the United States. All seven individuals were arrested and transported to the Murrieta Border Patrol Station for processing.

MATERIAL WITNESSES STATEMENT:

Material witness **Fernando HERNANDEZ-Vazquez** stated that he is a Mexican national. HERNANDEZ stated that he does not any legal status or valid immigration documents allowing him to enter the United States legally.

HERNANDEZ stated that his final destination in the United States was to have been Anaheim, California and that he was to have been charged a smuggling fee of $2700.00 (USD) in order to be smuggled there. HERNANDEZ stated that after he had been removed to Mexico, he met a man at the "Casa De Migrante" in Tijuana. He stated that he had told this person that he wished to cross back into the United States. The man told HERNANDEZ that he would put him in contact with a man who would cross him, and that it would cost him $2700.00 (USD). HERNANDEZ and the other 13 smuggled aliens climbed over the border fence and then used a ladder to scale the secondary fence. He stated that they followed the lead foot guide and were led to a truck lot with a fence around it, which was filled with trailers. They grouped together at another fence where there was a table up against it. They then used the table to climb over the fence and once on the other side, they laid down on the grass near a big sign and a palm tree. HERNANDEZ stated that this was the load spot, and that they waited there for the pick up vehicle.

HERNANDEZ stated that at around 12:30 a.m. on 12/12/07, a minivan came to pick them up and they all piled into the load vehicle, with the exception of the two foot guides. He stated that the guides had already said that they were going to go back to Mexico. HERNANDEZ stated that the smuggled aliens were all piled up, on top of one another, in the back of the van, and that they were almost piled up to the level of the vehicle's windows.

HERNANDEZ stated that he did not get a really good look at the driver, but that he was wearing a black jacket. They were taken to a house, and the driver stopped the van and got out in order to open a gate in a wooden fence. They drove into the yard of the house and the gate was shut behind them. HERNANDEZ stated that it was a dirt driveway, and that they had pulled in beside the house. He believed that they had arrived at the house at about 1:30 or 2:00 a.m. on 12/12/07. A lady, who appeared to live in the house, opened the door and told them to come in.

After a while, another group of smuggled aliens arrived, perhaps six or eight more. HERNANDEZ stated that he was able to overhear that they had crossed through the drainage grate which they had seen at the border fence, and that the smugglers had cut open the bars of the grate using a blow torch.

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HERNANDEZ stated that later on in the morning, sometime after 6:00 am, a man later identified as the defendant, Isaac RAMIREZ-Marquez arrived for them. He was of medium height, dark-skinned and wore a ball cap. When he came in he asked the people he was going to take if they were ready. Before leaving, the driver gave them little pieces of paper with his phone numbers on them and the name "Tula", saying that they could enlist his services in the future.

HERNANDEZ stated that the driver began loading them into a dark SUV, which looked like a blazer. He was placed in the very back, cargo area of the SUV along with another male smuggled alien, and the defendant then covered them with a blanket. There were three male smuggled aliens and three female smuggled aliens, plus the driver. The driver told them not to lift their heads or move.

The gate in the yard was opened up and they drove away, getting on the highway and heading north. After some length of time, HERNANDEZ stated that they were stopped by a Border Patrol vehicle. Immediately prior to the driver pulling over, he told the smuggled aliens to say that they didn't know him. HERNANDEZ stated that he took this to mean that they were not to identify him as a smuggler. At that point they were all arrested by the Border Patrol.

HERNANDEZ was shown a set of 7 color Polaroid photographs, numbered 1-7, consisting of all of the individuals detained in the vehicle stop of the black Explorer. Hernandez identified photograph #3 as the driver of the SUV. Photo #3 is the defendant, Isaac RAMIREZ-Marquez.

MATERIAL WITNESSES STATEMENTS:

Material Witness, Jose Francisco SANCHEZ-Rubi stated that he is a Mexican national without any immigration documents allowing him to enter or be in the United States legally.

SANCHEZ stated that he arrived in Tijuana about 16 days ago, via bus. Upon arrival, SANCHEZ stated that he had stayed at the house of his aunt and uncle who live in Tijuana. SANCHEZ stated that his final destination in the United States was to have been Los Angeles, California, where his father and cousins reside. He stated that his family had made the smuggling arrangements for him, and that he was to pay a smuggling fee of $2500.00 (USD). SANCHEZ stated that an unidentified smuggler called him at his aunt and uncle's house in Tijuana after his family members had made the arrangements. This subject asked him if he wanted to cross into the United States, and he replied, "Yes."

SANCHEZ stated that the smugglers arrived and picked him up on Tuesday night, and took him to a section of the border fence where there was water run-off flowing into Mexico. SANCHEZ stated that it wasn't a tube but rather it looked like a large concrete bridge with water run-off flowing beneath it and sets of bars on the north and south sides. SANCHEZ stated that there were four smuggled aliens, and four alien smuggling guides there, although only one of these went north with the group.

SANCHEZ stated that the smuggling guides pulled a bar out of the grate on the southern side and began passing the smuggled aliens through the drainage culvert. At the northern grate they pulled out a bar which had been cut, and the first guide and the four smuggled aliens, including SANCHEZ, passed through. SANCHEZ stated that they continued north until they arrived at a truck lot filled with trailers, which they entered. He stated that they waited there for the load vehicle.

The load vehicle, an SUV, arrived and they all got in, including the guide. SANCHEZ stated that the vehicle looked like an Explorer, and that it could well have been the same vehicle which they were later arrested in. From there, SANCHEZ said that they were taken to a house. There was a lady there, who appeared to live there, as well as a lot of other smuggled aliens. SANCHEZ said that he believed that there were about a total of 18 smuggled aliens in the house, including himself.

SANCHEZ stated that during the morning, an SUV arrived at the house, and was driven into the yard through a wooden vehicle gate in the fence. The driver, later identified as the defendant, who was going to drive them north was young, chubby, a little taller than SANCHEZ, and had a ball cap and glasses on. After a while, the diver began to load them into the SUV, telling each smuggled alien where to go. There were six smuggled aliens loaded into the vehicle, including SANCHEZ, plus the driver.

The driver told all of them to stay down, which SANCHEZ took to mean that he did not want anyone to be visible from outside the vehicle.

SANCHEZ stated that they left the house and kept driving for a while. The driver told them all to relax and be calm. After some time, they were pulled over by a Border Patrol vehicle and arrested by some green-uniformed agents. Just at the moment that they were being pulled over, the driver told the smuggled aliens "Nadie me conoce!" ("Nobody knows me!"). SANCHEZ stated that he interpreted this as meaning that they were not to identify him as a smuggler.

SANCHEZ was shown a set of 7 color Polaroid photographs, numbered 1-7, consisting of all of the individuals detained in the vehicle stop of the black Explorer. He identified photograph #3 as the driver of the SUV. Photo #3 is the defendant Isaac RAMIREZ-Marquez.

Andrew Kahl SPA
Andrew N. Kahl
Senior Patrol Agent

William McCurine, Jr.
U.S. Magistrate Judge

12/18/07, 1639hrs
Date/Time